

### **REMARKS/ARGUMENTS**

The applicant maintains its submissions with respect to U.S. Patent No. 5,994,844, issued to Crawford. For the reasons previously submitted by the applicant, Crawford neither anticipates nor renders obvious the applicant's claimed invention. Furthermore, the applicant respectfully submits that the Examiner's interpretation of the meaning of "permanently integrated" (ie. that this "claimed limitation would be out of reality") is unreasonable and unnecessarily argumentative, and is contrary to the spirit of the claimed invention.

Further to our correspondence dated January 24, 2003 and the applicant's follow-up correspondence dated March 19, 2003, the Examiner has not yet acknowledged receipt of the Information Disclosure Statement forwarded with the correspondence dated August 2, 2002. The Applicant wishes the prior art references listed on the IDS to be identified on the front page of any patent that may issue.

The applicant believes that since the Information Disclosure Statement was timely provided to the Patent Office, no fees are required. However, if fees are required, the Examiner is requested to advise the undersigned and charge the fees to our deposit account no. 02-2095.

#### **Allowable Claims**

The Examiner has indicated that claim 4 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, claim 4 has been rewritten to incorporate the limitations of claim 1. Claim 4 should now be allowable.

#### **Claim Rejections – 35 U.S.C. 102**

Claims 18 - 21 have been rejected, pursuant to 35 U.S.C. 102(b), as being anticipated by U.S. Patent No. 5,479,159, issued to Kelly et al.

Claim 18 has been rewritten to incorporate the limitations of claim 22. Claim 22 has correspondingly been cancelled.

Claim 18 as amended is directed to a light source having a light source data storage device inseparably integrated with the light generator. This claimed structure is neither shown nor suggested in Kelly.

It is submitted that contrary to the Examiner's bald assertion, Kelly does not disclose a data storage device inseparably integrated with a light generator. Kelly merely shows an electrical connection between numerous different street lamps 5 and a remotely located logger 11. There is no teaching in Kelly to suggest that the logger 11 remains inseparably integrated with any lamp 5, when such lamp 5 is removed from a lamp pole, for replacement or other purposes. To the contrary, the fact that several street lamps 5 (each of which may be replaced individually) are remote from and interact with the logger 11 teaches against the inseparable integration of the logger 11 with any specific lamp 5.

The examiner's bald assertion that the claimed inseparable integration of the light generator with the data storage device is obvious, is merely hindsight reconstruction, and the Examiner has failed to provide an explanation as to why someone would be led to inseparably integrate the components. The meaning of examiner's "obvious" objective of being able to use the "invention without checking the device routinely" is unclear.

The examiner's summary of Howard v. Detroit Stove Works is incomplete and inapplicable to present facts. Contrary to the examiner's assertion, the claimed invention is not merely the obvious combination of known elements to achieve an obvious result. The advantages of the claimed invention are neither taught nor obvious in view of any of the prior art.

As indicated in the present application, the advantages of integrating the data storage device with the light generator include the fact that the operating history of the light generator remains with the specific light source. Thus, the light source is removed from a light emitting device, the stored operational parameters of that light source may be retrieved to confirm if the light source has performed in accordance with the manufacturer's specifications. As well, a user may be interested in knowing what the stored operational parameters of the light source are, which can be determined from the claimed light source even if the light source has been removed from a light emitting device.

Kelly is not capable of providing these benefits. The claimed structure is a new structure which achieves these new advantages. With the prior art such as Kelly, if a light source is removed from the device, it is not possible to determine any operational parameters specific to that light source.

Furthermore, despite numerous office actions and corresponding prior art searches, not a single piece of prior art has been cited which provides the advantages (or even suggests the possibility) of the claimed invention. Furthermore, none of the prior art cited by the Examiner teaches or suggests the claimed invention. It is submitted that if the advantages of a combination of claimed limitations are not obvious, the claimed combination is correspondingly not obvious.

As a result, it is submitted that the subject matter of claim 18 and all claims dependent thereon (claims 19-21 & 23) are neither anticipated by nor obvious in view of Kelly.

With respect to claim 19, the Examiner has stated that Kelly discloses a storage device which stores operational parameters data associated only with the light generator 5. This is incorrect. As is clearly indicated in col. 2, lines 48-52, the logger 11 stores data for multiple different street lamps 1. The claimed invention is neither anticipated by nor obvious in view of Kelly.

With respect to claim 21, the Examiner has stated that Figures 2-4 of Kelly show that the logger 11 is "mounted" to the lamp 5. To the contrary, a review of Figures 2-4 and the corresponding written disclosure makes it clear that the logger is not mounted to the various different lamps 5, but rather is positioned remotely and merely provided with an electrical connection. In no way could this reasonably be construed as having the logger "mounted" to the lamp 5. The claimed invention is neither anticipated by nor obvious in view of Kelly.

#### **Claim Rejections – 35 U.S.C. 103**

Claims 1, 2, 3, 5, 22 & 23 have been rejected, pursuant to 35 U.S.C. 103(a), as being unpatentable over Kelly.

The Examiner has stated that Kelly discloses a lamp 5 as a light generator, a light sensor, a logger 11 data storage device "permanently integrated with the light generator" and operatively coupled to the sensor. As noted previously in connection with claim 18, Kelly merely shows an electrical connection between numerous different street lamps 5 and a remotely located logger 11. There is no teaching in Kelly to suggest that the logger 11 remains permanently integrated with any lamp 5, when such lamp 5 is removed from a lamp pole, for replacement or other purposes. To the contrary, the fact that several street lamps 5 (each of which may be replaced individually) remotely interact with the logger 11 teaches against the permanent integration of the logger 11 with any specific lamp 5.

The examiner's bald assertion that the claimed inseparable integration of the light generator with the data storage device is obvious, is merely hindsight reconstruction, and the Examiner has failed to provide an explanation as to why someone would be led to inseparably integrate the components. The meaning of examiner's "obvious" objective of being able to use the "invention without checking the device routinely" is unclear.

The examiner's summary of Howard v. Detroit Stove Works is incomplete and inapplicable to present facts. Contrary to the examiner's assertion, the claimed invention is not merely the obvious combination of known elements to achieve an obvious result. The advantages of the claimed invention are neither taught nor obvious in view of any of the prior art.

As indicated in the present application, the advantages of integrating the data storage device with the light generator include the fact that the operating history of the light generator remains with the specific light source. Thus, the light source is removed from a light emitting device, the stored operational parameters of that light source may be retrieved to confirm if the light source has performed in accordance with the manufacturer's specifications. As well, a user may be interested in knowing what the stored operational parameters of the light source are, which can be determined from the claimed light source even if the light source has been removed from a light emitting device.

Kelly is not capable of providing these benefits. The claimed structure is a new structure which achieves these new advantages. With the prior art such as Kelly, if a light source is removed from the device, it is not possible to determine any operational parameters specific to that light source.

Furthermore, despite numerous office actions and corresponding prior art searches, not a single piece of prior art has been cited which provides the advantages (or even suggests the possibility) of the claimed invention. Furthermore, none of the prior art cited by the Examiner teaches or suggests the claimed invention. It is submitted that if the advantages of a combination of claimed limitations are not obvious, the claimed combination is correspondingly not obvious.

Accordingly, it is submitted that the subject matter of claim 1 and all claims dependent thereon (claims 2-5) are neither anticipated by nor obvious in view of Kelly.

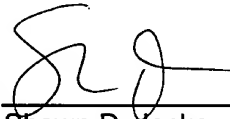
With respect to claim 2, the Examiner has stated that Kelly has failed to disclose a housing, but that it would have been obvious "to provide a housing enclosing the components in order to save space". This stated objective is nonsensical – the Examiner has failed to provide an explanation as to how space would be saved, or why this would be a desirable objective, particularly in view of the Kelly technology. The Examiner's inconsistent statement later in the Office Action that Figure 1 shows a light source housing 8 to which the components are all mounted, is unfounded. To the contrary, given the fact that the logger 11 is remote from the other components, the physical remoteness of the components would prevent the provision of a housing to which all of the components would be mounted. The applicant submits that absent the teaching of the present invention, no-one would have been led to provide a housing to which the various claimed components were mounted. The claimed invention is neither anticipated by nor obvious in view of Kelly.

Similarly, with respect to claim 23, the Examiner's assertion that the logger 11 is "permanently affixed to" the lamp 5 is inaccurate. As noted above, not only is there no suggestion in Kelly that if a lamp 5 is removed from a street light 1, the logger 11 will remain with the lamp 5, the fact that several street lamps 5 are remote from and interact with the logger 11 expressly teaches against the permanent integration of the logger 11 with any specific lamp 5.. It is submitted that claim 23 is neither anticipated nor obvious in view of Kelly and is allowable.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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